SENATE BILL No. 32

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DIGEST OF SB 32 (Updated February 8, 2005 12:15 pm - DI 75)

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Citations Affected: IC 35-47.

Synopsis: Handgun licenses and noncitizens. Permits the issuance of a license to carry a handgun only to: (1) citizens; and (2) noncitizens who are allowed under federal law to carry a firearm in the United States.

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Effective: July 1, 2005.

Zakas, Hume, Craycraft, Steele

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January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.
January 6, 2005, amended; reassigned to Committee on Homeland Security, Utilities, and Public Policy.
February 10, 2005, reported favorably — Do Pass.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~ Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution. Conflict reconciliation: Text in a statute in *this style type* or *~~this style type~~* reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 32

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person desiring
3 a license to carry a handgun shall apply:
4   (1) to the chief of police or corresponding law enforcement officer
5   of the municipality in which the applicant resides;
6   (2) if that municipality has no such officer, or if the applicant does
7   not reside in a municipality, to the sheriff of the county in which
8   the applicant resides after the applicant has obtained an
9   application form prescribed by the superintendent; or
10   (3) if the applicant is a resident of another state and has a regular
11   place of business or employment in Indiana, to the sheriff of the
12   county in which the applicant has a regular place of business or
13   employment.
14   (b) The law enforcement agency which accepts an application for a
15 handgun license shall collect a ten dollar ($10) application fee, five
16 dollars ($5) of which shall be refunded if the license is not issued.
17 Except as provided in subsection (h), the fee shall be:

1 (1) deposited into the law enforcement agency's firearms training
2   fund or other appropriate training activities fund; and
3 (2) used by the agency for the purpose of:
4   (A) training law enforcement officers in the proper use of
5   firearms or other law enforcement duties; or
6   (B) purchasing for the law enforcement officers employed by
7   the law enforcement agency firearms, or firearm related
8   equipment, or both.
9 The state board of accounts shall establish rules for the proper
10 accounting and expenditure of funds collected under this subsection.
11   (c) The officer to whom the application is made shall ascertain the
12 applicant's name, full address, length of residence in the community,
13 whether the applicant's residence is located within the limits of any city
14 or town, the applicant's occupation, place of business or employment,
15 criminal record, if any, and convictions (minor traffic offenses
16 excepted), age, race, sex, nationality, date of birth, citizenship, height,
17 weight, build, color of hair, color of eyes, scars and marks, whether the
18 applicant has previously held an Indiana license to carry a handgun
19 and, if so, the serial number of the license and year issued, whether the
20 applicant's license has ever been suspended or revoked, and if so, the
21 year and reason for the suspension or revocation, and the applicant's
22 reason for desiring a license. The officer to whom the application is
23 made shall conduct an investigation into the applicant's official records
24 and verify thereby the applicant's character and reputation, and shall in
25 addition verify for accuracy the information contained in the
26 application, and shall forward this information together with ~~his~~ **the**
27 **officer's** recommendation for approval or disapproval and one (1) set
28 of legible and classifiable fingerprints of the applicant to the
29 superintendent.
30   (d) The superintendent may make whatever further investigation the
31 superintendent deems necessary. Whenever disapproval is
32 recommended, the officer to whom the application is made shall
33 provide the superintendent and the applicant with the officer's complete
34 and specific reasons, in writing, for the recommendation of
35 disapproval.
36   (e) If it appears to the superintendent that the applicant:
37 **(1)** has a proper reason for carrying a handgun; ~~and~~
38 **(2)** is of good character and reputation; ~~and~~
39 **(3) is** a proper person to be ~~so~~ licensed; **and**
40 **(4) is:**
41   **(A) a citizen of the United States; or**
42   **(B) not a citizen of the United States but is allowed to carry**

1   **a firearm in the United States under federal law;**
2   the superintendent shall issue to the applicant a qualified or an
3   unlimited license to carry any handgun lawfully possessed by the
4   applicant. The original license shall be delivered to the licensee. A
5   copy shall be delivered to the officer to whom the application for
6   license was made. A copy shall be retained by the superintendent for
7   at least four (4) years. This license shall be valid for a period of four (4)
8   years from the date of issue. The license of police officers, sheriffs or
9   their deputies, and law enforcement officers of the United States
10   government who have been honorably retired by a lawfully created
11   pension board or its equivalent after twenty (20) or more years of
12   service, shall be valid for the life of such individuals. However, such
13   lifetime licenses are automatically revoked if the license holder does
14   not remain a proper person.
15   (f) At the time a license is issued and delivered to a licensee under
16   subsection (e), the superintendent shall include with the license
17   information concerning handgun safety rules that:
18   (1) neither opposes nor supports an individual's right to bear
19   arms; and
20   (2) is:
21   (A) recommended by a nonprofit educational organization that
22   is dedicated to providing education on safe handling and use
23   of firearms;
24   (B) prepared by the state police department; and
25   (C) approved by the superintendent.
26   The superintendent may not deny a license under this section because
27   the information required under this subsection is unavailable at the
28   time the superintendent would otherwise issue a license. The state
29   police department may accept private donations or grants to defray the
30   cost of printing and mailing the information required under this
31   subsection.
32   (g) A license to carry a handgun shall not be issued to any person
33   who:
34   (1) has been convicted of a felony;
35   (2) is under eighteen (18) years of age;
36   (3) is under twenty-three (23) years of age if the person has been
37   adjudicated a delinquent child for an act that would be a felony if
38   committed by an adult; or
39   (4) has been arrested for a Class A or Class B felony, or any other
40   felony that was committed while armed with a deadly weapon or
41   that involved the use of violence, if a court has found probable
42   cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a
handgun may be issued to a person who has been acquitted of the
specific offense charged or if the charges for the specific offense are
dismissed. The superintendent shall prescribe all forms to be used in
connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under
subsection (b) is a city or town law enforcement agency, the fee shall
be deposited in the law enforcement continuing education fund
established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued
under this chapter:

(1) changes the person's name; or

(2) changes the person's address;

the person shall, not later than sixty (60) days after the date of the
change, notify the superintendent, in writing, of the person's new name
or new address.

(j) The state police shall indicate on the form for a license to carry
a handgun the notification requirements of subsection (i).

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

(Reference is to SB 32 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Madam President: I move that Senator Hume be added as second author and Senator Craycraft be added as coauthor of Senate Bill 32.

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SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 32.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 32 as printed January 7, 2005.)

WYSS, Chairperson

Committee Vote: Yeas 11, Nays 0.

C o p y